

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

STEVEN RUSSO,

Plaintiff,

vs.

CAPITAL ONE BANK (USA), N.A.,

Defendant.

Case No. 1:19-cv-00104-TSE-JFA

**STIPULATION FOR VOLUNTARY
DISMISSAL PURSUANT TO
FED.R.CIV.P. 41(a)(1)(A)(ii)**

NOW COME, Plaintiff, Steven Russo, and Defendant, Capital One Bank (USA), N.A.,

through their respective undersigned attorneys and respectfully state and pray:

1. On January 28, 2019, Plaintiff filed the complaint in this case (ECF No. 1).
2. On March 15, 2019, Defendant answered the Complaint (ECF No. 12).
3. Federal Rule of Civil Procedure 41 provides, in relevant part:

(a) Voluntary Dismissal.

(1) *By the Plaintiff.*

(A) *Without a Court Order.* Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or

(ii) a stipulation of dismissal signed by all parties who have appeared.

(B) *Effect.* Unless the notice or stipulation states otherwise, the dismissal is without prejudice. But if the plaintiff previously dismissed any federal- or state-court action based on or including the same claim, a notice of dismissal operates as an adjudication on the merits."

Fed.R.Civ.P. 41, 28 U.S.C. (emphasis added).

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4. Pursuant to Fed.R.Civ.P. 41(a)(1)(A)(ii), the parties respectfully notify the Court that they have stipulated to the voluntary dismissal of the Complaint, with prejudice. The parties will assume their own litigation costs.

WHEREFORE, the parties respectfully request this Honorable Court to GRANT the instant stipulation for voluntary dismissal of the present case, with prejudice.

Dated: May 31, 2019

Respectfully submitted,

So Ordered
TS Ellis III 6/11/19

T. S. Ellis, III
United States District Judge

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